

Report Sexual Abuse



To report an incident of sexual abuse, notify facility staff or contact:

DOCCS Office of Special Investigations
1220 Washington Ave
Albany, NY 12226-2050
Dial 444 M-F 8AM-5PM

If you wish to report to an outside agency:

New York State Commission of Correction
Alfred E. Smith State Office Building
80 South Swan Street, 12th Floor
Albany, New York 12210



State of New York
Andrew M. Cuomo, Governor

Corrections and Community Supervision
Anthony J. Annucci, Acting Commissioner

Sexual Abuse Prevention & Education Office

PREVENTION
EDUCATION
VICTIM SUPPORT

PREA Implementation
For Safe and Secure Facilities

The Harriman State Campus
1220 Washington Avenue
Albany, New York 12226-2050
www.doccs.ny.gov/prea/preainfo.html
DC053EC English 5/2020

The Prevention of Sexual Victimization in Prison

What You Need to Know

The Department of Corrections and Community Supervision has Zero Tolerance for Sexual Abuse and Sexual Harassment

Policy

Sexual abuse is unwanted sexual contact with another inmate or any sexual contact with a staff member. Sexual harassment includes repeated sexual comments or gestures.

The Department does not tolerate sexual abuse or sexual harassment. All reports of sexual abuse, sexual harassment or retaliation after such a report will be investigated. Anyone who sexually abuses or harasses someone will be disciplined and/or prosecuted.

You have the right to be free from sexual abuse and sexual harassment.

About Your Safety

No one has the right to make you do a sexual act. DOCCS takes the safety of all incarcerated people seriously, including LGBTIQ+ people. You do not have to put up with sexual harassment, sexual abuse or being forced to have unwanted sexual contact with anyone. If you are being pushed, threatened or blackmailed into a sex act by another inmate or by staff, you should report it. You should also report if anyone tries to get back at you because you reported sexual abuse or sexual harassment, or after you spoke to an investigator about sexual abuse or harassment.

Every DOCCS facility has a designated Assistant Deputy Superintendent PREA Compliance Manager and a Captain who serves as the PREA Point Person.

Reducing Your Risk

Unwanted sex with another inmate or any sex with a staff member is sexual abuse. Here are some things you can do to reduce your risk of sexual abuse:

1. Do not believe an inmate who says she will protect or take care of you in exchange for sexual favors.

“There’s nothing in prison that’s free.”

2. Do not gamble or take gifts from others. Sexual abuse is one way people are sometimes forced to pay off a debt.



3. Do not use drugs and alcohol. You are more likely to make poor choices when you are drunk or high.
4. Pay attention to uncomfortable feelings about others. If you think something is dangerous, it probably is. If you think you are not safe, tell staff.
5. Do not flirt or talk to other inmates or staff about having sex. If someone asks you to do something sexual, you have the right to say “no.”
6. Tell a staff member if you are being harassed or threatened for sex.

“If you don’t report it, it’s gonna continue.”

7. **If you are sexually abused by another inmate or staff, report it. It is a crime.** DOCCS will protect you from the abuser and help will be provided whether or not you name your abuser.
8. **It is a crime for a staff member to ask you for sex. Call 444 and report it.**

Definitions

Inmate-on-Inmate Sexual Abuse is when one or more inmates have sexual contact with another inmate when he or she doesn't want it, or by using coercion, threats or force.

Staff-on-Inmate Sexual Abuse is when an employee, volunteer, intern or outside contractor has any type of sexual contact with an inmate. Staff asking for sex or making sexual threats are also types of sexual abuse.

Sexual Harassment includes:

(1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another; and

(2) Repeated verbal comments or gestures of a sexual nature to an inmate, parolee, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Intentionally "misgendering" a transgender, gender nonconforming or nonbinary person can be sexual harassment.

See Directives #4027A and #4028A.

What to do if you are abused: If you are sexually abused, report it immediately to staff. **Staff will protect you from the abuser and take you to Medical.** Help will be provided whether or not you name your abuser but be as clear as you can when you report the abuse. The more you tell staff, the easier it will be to help you.

This brochure is an overview of the Department's Zero Tolerance policy for sexual abuse and sexual harassment and reporting procedures under the Prison Rape Elimination Act (PREA). It is part of the PREA education provided during reception and facility orientation. Key information is available in facility libraries, medical, transitional services and other areas.

Even though you may want to clean up after the abuse, it is important to go to Medical **BEFORE** you shower, wash, drink, eat, change clothing or use the bathroom. Medical staff will check you for injuries that you may or may not be able to see right away.

They can also check you for sexually transmitted infections and help decide if you need to go to the hospital where they can collect evidence of the sexual abuse and where you will be provided with a victim advocate. Medical staff will also discuss the possibility of pregnancy with a female victim.



Victim Services

Any incarcerated person can contact 777 or one of the PREA Centers for rape crisis services, emotional support or victim advocacy. See the Victim Support brochure and signs near the phones for more information. Note that 777 is not a reporting hotline and you do not need to make a report to use these services.

Reporting

How do you report sexual abuse if it happens?

It is important to tell staff if you have been sexually abused or harassed. **You can tell your facility's ADS PREA Compliance Manager, Captain/PREA Point Person, or any staff (guidance, security, a chaplain, medical, mental health, etc.).**

If you report the abuse in writing, you may write to the Superintendent, a member of the facility Executive Team including the ADS PREA Compliance Manager, Central Office, the PREA Coordinator or OSI.

You can also make a report to the Office of Special Investigations (OSI) by using the 444 Reporting Line from 8 a.m. – 5 p.m. business days. Calls to 444 are not monitored by facility staff.

If you want to report to an outside agency, you may contact the New York State Commission of Correction (SCOC) at the address on the back of this brochure using "legal mail." If you write to SCOC and ask to remain anonymous, the Department will not know who made the report.

You can report the abuse at any time, but the sooner you report it, the sooner it can be investigated and steps can be taken to protect you.

"It's not snitching."

If you feel that you have been a victim of sexual abuse or harassment, you should report it right away. You can also have someone else report the abuse for you. If you think someone else is being sexually abused or sexually harassed, you should report that too.



What happens with reports of sexual abuse? All reports of sexual abuse, sexual harassment, or retaliation for reporting or being part of an investigation will be thoroughly investigated.



The persons responsible shall be held accountable to the fullest extent of the law.

Confidentiality: All records of reports of sexual abuse are confidential under Civil Rights Law § 50-b. The identity of a victim of sexual abuse, the person reporting sexual abuse, any witnesses and the facts of the report itself are confidential. Information is only shared with the people involved in the reporting, investigation, monitoring, discipline and treatment process, or as otherwise required by law.

Retaliation is not allowed. You will not be punished for good faith reporting of sexual abuse or sexual harassment. After a report is made, a period of retaliation monitoring will be started.

Note that a person may be charged or disciplined for making a false report if, after investigation, it is proven that the person made the statement knowing it was false or baseless, or the person reported an alleged crime or incident knowing it did not occur (e.g., Penal Law §§ 210.45, 240.50).

A report made in good faith is not falsely reporting an incident or lying even if the investigation does not substantiate the allegation.